

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,

Plaintiff,

-VS-

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
2K GAMES, INC.; 2K SPORTS, INC.; WORLD
WRESTLING ENTERTAINMENT, INC.;
VISUAL CONCEPTS ENTERTAINMENT;
YUKE'S CO., LTD.; AND YUKE'S LA, INC.,

Defendants.

Case No. 3:18-cv-966-MJR-DGW

**DEFENDANTS TAKE-TWO INTERACTIVE SOFTWARE, INC., 2K GAMES, INC., 2K
SPORTS, INC., VISUAL CONCEPTS ENTERTAINMENT, YUKE'S CO., LTD.,
AND YUKE'S LA, INC.'S MOTION TO DISMISS**

infringement as a matter of law. **First**, Plaintiff has failed to satisfy 17 U.S.C. § 411(a)'s requirement that a plaintiff obtain certificates of registration or refusals from the Copyright Office for each of her works prior to bringing suit for copyright infringement. As Plaintiff admits in the Amended Complaint, Plaintiff does not hold such certificates of registration. Thus, the Amended Complaint must be dismissed for this reason alone.

3. **Second**, Plaintiff's copyright infringement claim fails for the independent reason that her Amended Complaint does not satisfy Federal Rule 8(a)'s requirement that pleadings put defendants on notice of the claims lodged against them. Plaintiff does not adequately describe the works allegedly infringed so as to put Defendants on notice of her purported rights. Plaintiff's allegations vaguely group together all seven Defendants, which fails to give each Defendant fair notice of its alleged infringing conduct. And Plaintiff fails to plead facts supporting vicarious or contributory copyright infringement, including failing to indicate which Defendants are charged with committing which types of infringement. The conclusory, vague allegations in Plaintiff's Amended Complaint do not meet the federal pleading requirements, and her copyright infringement claim thus fails as a matter of law.

4. Plaintiff's Amended Complaint also should be dismissed against Defendants Yuke's and Yuke's LA for lack of personal jurisdiction pursuant to Rule 12(b)(2), as Plaintiff has failed to allege any facts showing that these Defendants have contacts with Illinois sufficient to give rise to jurisdiction, despite having received jurisdictional discovery from Yuke's and Yuke's LA prior to filing the Amended Complaint.

WHEREFORE, for the reasons stated herein and addressed in more detail the accompanying Memorandum of Law, Moving Defendants respectfully request that this Court enter an Order dismissing Plaintiff's Amended Complaint in full and with prejudice.

Dated: October 23, 2018

Respectfully submitted,

/s/ Dale M. Cendali

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Ltd., and Yuke's LA, Inc.*

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, I electronically filed the foregoing DEFENDANTS TAKE-TWO INTERACTIVE SOFTWARE, INC., 2K GAMES, INC., 2K SPORTS, INC., VISUAL CONCEPTS ENTERTAINMENT, YUKE'S CO., LTD., AND YUKE'S LA, INC.'S MOTION TO DISMISS with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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